

AMENDED IN SENATE JUNE 8, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 207

Introduced by Assembly Member Ammiano

January 31, 2011

An act to add Section 48204.1 to, *and to repeal Section 48204.6 of*, the Education Code, relating to school attendance.

LEGISLATIVE COUNSEL’S DIGEST

AB 207, as amended, Ammiano. School attendance: residency requirements.

Existing law requires each person between 6 and 18 years of age not otherwise exempted to attend the public full-time day school or continuation school or classes in the school district where the person’s parent or legal guardian is located. Existing law provides various exceptions to this residency requirement, including, but not limited to, authorizing a pupil to attend school in a school district in which his or her parent or legal guardian is employed.

This bill would require a school district to accept a wide range of documents and representations from the parent or legal guardian of a pupil *living with his or her parent or guardian* as reasonable evidence that the pupil meets those residency requirements, including, but not limited to, property tax payment receipts, rental property contract, lease, or payment receipts, utility service contract, statement, or payment receipts, pay stubs, voter registration, correspondence from a government agency, or a declaration of residency executed by the parent or legal guardian of a pupil ~~who is a homeless child or youth, as defined~~. The bill would, if an employee of a school district reasonably believes that the parent or legal guardian of a pupil has provided false or

unreliable evidence of residency, authorize the school district to make reasonable efforts to determine that the pupil actually meets the residency requirements.

The bill would specify that it not be construed as limiting access to pupil enrollment in a school district as otherwise provided by state and federal statutes and regulations.

Existing law provides that any school district that is adjacent to an international border may accept a wide range of documents and representations from the parent or guardian of a pupil for purposes of establishing residency in a school district, as specified. Existing law requires those school districts to make reasonable efforts to determine whether a pupil meets the residency requirements if any employee of such a school district reasonably believes that the parent or guardian of the pupil has provided false or unreliable evidence of residency.

This bill would repeal these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 48204.1 is added to the Education Code,
- 2 to read:
- 3 48204.1. (a) A school district shall accept from the parent or
- 4 legal guardian of a pupil reasonable evidence that the pupil meets
- 5 the residency requirements for school attendance in the school
- 6 district as set forth in Sections 48200 and 48204. Reasonable
- 7 evidence of residency *for a pupil living with his or her parent or*
- 8 *legal guardian* shall be established by documentation showing the
- 9 name and address of the parent or legal guardian within the school
- 10 district, including, but not limited to, any of the following
- 11 documentation:
- 12 (1) Property tax payment receipts.
- 13 (2) Rental property contract, lease, or payment receipts.
- 14 (3) Utility service contract, statement, or payment receipts.
- 15 (4) Pay stubs.
- 16 (5) Voter registration.
- 17 (6) Correspondence from a government agency.
- 18 (7) Declaration of residency executed by the parent or legal
- 19 ~~guardian of a pupil who is a homeless child or youth as defined in~~

1 Section 725 of the federal McKinney-Vento Homeless Assistance
2 Act (42 U.S.C. Sec. 11434a): guardian of a pupil.

3 (b) Nothing in this section shall be construed to require a parent
4 or legal guardian of a pupil to show all of the items of
5 documentation listed in paragraphs (1) to (7), inclusive, of
6 subdivision (a).

7 (b)

8 (c) If ~~any~~ an employee of a school district reasonably believes
9 that the parent or legal guardian of a pupil has provided false or
10 unreliable evidence of residency, the school district may make
11 reasonable efforts to determine that the pupil actually meets the
12 residency requirements set forth in Sections 48200 and 48204.

13 (e)

14 (d) Nothing in this section shall be construed as limiting access
15 to pupil enrollment in a school district as otherwise provided by
16 federal and state statutes and regulations. *This includes immediate*
17 *enrollment and attendance guaranteed to a homeless child or*
18 *youth, as defined in the federal McKinney-Vento Homeless*
19 *Assistance Act (42 U.S.C. Sec. 11434a(2)), without any proof of*
20 *residency or other documentation.*

21 (e) Consistent with Section 11432(g) of the federal
22 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301
23 et seq.), proof of residency of a parent within a school district shall
24 not be required for an unaccompanied youth, as defined in Section
25 11434a(6) of Title 42 of the United States Code. A school district
26 shall accept a declaration of residency executed by the
27 unaccompanied youth in lieu of a declaration of residency executed
28 by his or her parent or legal guardian.

29 SEC. 2. Section 48204.6 of the Education Code is repealed.

30 48204.6. ~~(a) Any school district that is adjacent to an~~
31 ~~international border may accept a wide range of documents and~~
32 ~~representations from the parent or guardian of a pupil as reasonable~~
33 ~~evidence that the pupil meets the residency requirements for school~~
34 ~~attendance in the school district as set forth in Section 48204.~~
35 ~~Reasonable evidence of residency may be established by~~
36 ~~documentation, including, but not limited to, any of the following~~
37 ~~documentation:~~

38 ~~(1) Property tax payment receipts.~~

39 ~~(2) Rent payment receipts.~~

40 ~~(3) Utility service payment receipts.~~

1 ~~(4) Declaration of residency executed by the parent or guardian~~
2 ~~of the pupil.~~
3 ~~(b) If any employee of a school district that is adjacent to an~~
4 ~~international border reasonably believes that the parent or guardian~~
5 ~~of a pupil has provided false or unreliable evidence of residency,~~
6 ~~the school district shall make reasonable efforts to determine that~~
7 ~~the pupil actually meets the residency requirements set forth in~~
8 ~~Section 48204.~~

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